IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6428 OF 2005

The State of Maharashtra ..... Applicant

Versus

Motiram Ramdas Patil ..... Respondent

Mr. D.P. Adsule, APP for the Applicant.

Mr. K.B. Sonwalkar for the Respondent.

CORAM : A.S. OKA, J.

DATE : 5TH DECEMBER 2006

P.C.

1) Heard learned APP for the State and learned Advocate for the Respondent. By the impugned order, the Respondent has been acquitted of the offences under Sections 28, 39 and 44(a) and punishable under Section 50 of the Indian Electricity Act.

2) The case of the prosecution is that a Deputy Engineer of the Maharashtra State Electricity Board visited the house allegedly owned by the Respondent. At that time,he found that the regular supply given to the Respondent was already disconnected and the

Respondent was using electricity supply by putting hook on L.T. line of the Maharashtra State Electricity Board. The allegation was made of theft of electricity and of causing loss to the Maharashtra State Electricity Board to the extent of Rs.2,880/-. The defence of the Respondent was that he is an old person residing with his old wife and he was not aware that supply was given to his residential premises directly from the L.T. line. Against the recovery initiated by the Maharashtra State Electricity Board, the 1st Respondent paid a sum of Rs.7,000/-.

3) The learned Judge found that the spot panchanama was not signed by PW-1, Prakash who is the Deputy Engineer of Maharashtra State Electricity Board who allegedly detected the offence. Considering the fact that the Respondent has already paid a sum of Rs.7,000/- to the Maharashtra State Electricity Board, the learned Trial Judge passed an order of acquittal. The view taken by the Trial Judge is a possible view which could have been taken on the basis of record. No case is made out for grant of leave. Application is rejected.

(A.S. OKA, J.)